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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/719,182

02/15/2001

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PF980036

5225

24498 7590 12/09/2010

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EXAMINER

ATALA, JAMIE JO

ART UNIT

PAPER NUMBER

2484

MAIL DATE

DELIVERY MODE

12/09/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/719,182	Applicant(s) COEZ ET AL.	
	Examiner JAMIE ATALA	Art Unit 2484	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/18/10.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 18, 2010 has been entered.

Response to Arguments

1. Applicant's arguments filed August 18, 2010 have been fully considered but they are not persuasive. On page 6-8 applicant argues that the prior art of record James et al in view of Lynch fails to disclose, suggest, or teach the following limitation "verification by the actions manager that the resourced involved in accomplishing the action will be available at a time when the action is to be carried out as specified by the time indication" as recited in Claim 1. It is taught by Lynch to determine when the connection between the laptop computer and the other computer becomes available in order to further send information between the two mediums. Furthermore, as described in Column 9 Lines 12-20 a time indication is present wherein the data and transfer of data is determined based on a timing of when the transmission should be severed and thereby meets the claimed limitation. In this case the "time indication" is the timer as described in Column 9 Lines 12-20 and the "action is to be carried out" is the

transmission between the two mediums. Furthermore, it is noted that verification of the state of actions being performed or active is described in Column 18 Lines 22-67. The verification process determines the recovery of information in order to determine what actions can be carried out as further shown in Figure 9 and thereby meeting the limitation as set forth by the present application. Although, all of applicants points are understood the examiner can not agree and the rejections is maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being anticipated by James et al (US 6,108,739) in view of Lynch (US 6,931,430) as set forth in the last Office Action.

Regarding claim 1, James et al discloses a process for programming actions of resources in a network of domestic devices (Fig. 1), including the steps of:

sending a request for programming an action by a client application to a manager of preprogrammed actions of a device of the network, the programming request including a set of parameters defining the action including a time indication and a list of resources involved in accomplishing the action (transactions disclosed in col. 6, lines 54-61, the request subaction having targeted, transaction label, transaction label,

sourceId disclosed in col. 7, lines 24-67, and the time stamp disclosed from col. 12, line 57 to col. 13, line 3),

verification by the actions manager that the resources involved in accomplishing the action (request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34 and the time stamp disclosed from col. 12, line 57 to col. 13, line 3. Furthermore, the time stamp provides a time for the action to be carried out),

transmission to the client application of a message of acceptance or of refusal of the programming of the action on the part of the preprogrammed actions manager depending on the result of the verification (request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34); however, fails to disclose that the resources involved in accomplishing the action will be available at a time when the action is to be carried out as specified by the time indication.

Lynch teaches a system for verifying the resources are available for processing and recording as seen in Figures 5a-5b and Figure 9. It is further described in Column 19 Lines 5-36 describes verifying the resources in order to determine if they are available for further processing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system as disclosed by James et al, and further incorporate a system the verifies resources, as taught by Lynch, in order to allow for proper managing of the systems resources.

Regarding claim 2, James et al also discloses the claimed wherein the client application selects a preprogrammed action manager situated in a device other than the client application itself (the bridge 24 disclosed in col. 8, lines 45-50 and responder disclosed in col. 7, lines 23-30).

Regarding claim 3, James et al discloses the claimed of step of storage by each resource involved of its timetable with respect to the action (program instructions stored in memories 16 disclosed in col. 6, lines 20-34 and the time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 4, James et al discloses the claimed wherein the verification step comprises sending a request, by the preprogrammed actions manager, to each resource involved, for ascertaining the availability of the resources involved in view of their respective reservation timetables (request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34 and time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 5, James et al discloses the claimed wherein, at the time specified in the request, the preprogrammed actions manager performs the following tasks:

reservation of the resources involved (the bridge 24 disclosed in col. 8, lines 45-50 and request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34);

establishment of the resource involved (the bridge 24 disclosed in col. 8, lines 45-50 and request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34);

instigating of the commands with the resources involved (the bridge 24 disclosed in col. 8, lines 45-50 and request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34).

Regarding claim 6, James et al discloses the claimed wherein the request comprises a start time of the action (the time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 7, James et al discloses the claimed wherein the request comprises an end time of the action (the time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 8, James et al discloses the claimed wherein the request comprises a data item identifying a periodicity of the action (the bridge 24 disclosed in col. 8, lines 45-50 and request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34).

Regarding claim 9, James et al discloses the claimed wherein the request comprises a list of connections to be established before the action is initiated (transactions disclosed in col. 6, lines 54-61, the request subaction having targeted, transaction label, transaction label, sourceId disclosed in col. 7, lines 24-67, and the time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 10, James et al discloses the claimed wherein the verification step comprises the step of sending, to a device control manager of a given resource listed in the request, action parameters corresponding to the resource, wherein the device control manager acts as an intermediary between the preprogrammed actions manager and the given resource (request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34 and time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 11, James et al discloses the claimed the step of providing an identifier of an action by the preprogrammed action manager to the requesting application in case the action is accepted (request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34 and time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Claim 12 is rejected for the same reasons as discussed in claim 1 above.

Claim 13 is rejected for the same reasons as discussed in claim 2 above.

Claim 14 is rejected for the same reasons as discussed in claim 6 above.

Claim 15 is rejected for the same reasons as discussed in claim 7 above.

Claim 16 is rejected for the same reasons as discussed in claim 8 above.

Claim 17 is rejected for the same reasons as discussed in claim 9 above.

Claim 18 is rejected for the same reasons as discussed in claim 1 above.

Claim 19 is rejected for the same reasons as discussed in claim 4 above.

Regarding claim 20, James et al discloses the claimed wherein the verification step comprises the step of sending, to a device control manager of a given resource

listed in the request, action parameters corresponding to the resource, wherein the device control manager acts as an intermediary between the preprogrammed actions manager and the given resource (request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34 and time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Regarding claim 21, James et al discloses the claimed step of providing an identifier of an action by the preprogrammed action manager to the requesting application in case the action is accepted (request/resend protocol, reject/resend protocol, busy/retry protocol, CONFLICT, and COMPLETE disclosed col. 8, line 51 to col. 9, line 34 and time stamp disclosed from col. 12, line 57 to col. 13, line 3).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE ATALA whose telephone number is (571)272-7384. The examiner can normally be reached on Monday - Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMIE ATALA/
Primary Examiner, Art Unit 2484